

Chapter 10 SEWERS*

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***State law reference(s)**--Disposal of wastes from septic tanks, 30 M.R.S.A., §§ 4104, 4105; operation of a municipal sewer system, 30 M.R.S.A., § 4251 et seq; private drains, 30 M.R.S.A., § 4401 et seq.

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ARTICLE 1. DEFINITIONS

Sec. 10-1. Definitions.

(a) As used in this chapter:

- (1) *Biochemical oxygen demand* shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Celsius, expressed in milligrams per liter.
- (2) *Building drain* shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.
- (3) *Building sewer* shall mean the extension from the building drain to the public sewer or other place of disposal.
- (4) *Combined sewer* shall mean a sewer receiving both surface runoff and sewage.
- (5) *Garbage* shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- (6) *Hearing board* shall mean that board appointed according to provision of Article 8 hereof.
- (7) *Industrial wastes* shall mean the liquid wastes from industrial manufacturing processes, trade, chemical or biological firms or business as distinct from sanitary sewage.
- (8) *Natural outlet* shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.
- (9) *PH* shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- (10) *Properly shredded garbage* shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half (1/2) inch (1.27 centimeters) in any dimension.

- (11) *Public sewer* shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.
 - (12) *Sanitary sewer* shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
 - (13) *Sewage* shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.
 - (14) *Sewage treatment plant* shall mean any arrangement of devices and structures used for treating sewage.
 - (15) *Sewage works* shall mean all facilities for collecting, pumping, treating, and disposing of sewage.
 - (16) *Sewer* shall mean a pipe or conduit for carrying sewage.
 - (17) *Storm drain* or *storm sewer* shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
 - (18) *Public works supervisor* shall mean the public works supervisor of the town or his designee, including the plumbing inspector.
 - (19) *Suspended solids* shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.
 - (20) *Watercourse* shall mean a channel with which a flow of water occurs, either continuously or intermittently.
- (Ord. 25-1972, Art. 1, 9-25-72)

ARTICLE 2. PUBLIC SEWERS

DIVISION 1. USE REQUIRED

Sec. 10-2. Prohibited deposits on property.

No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the town, or in any area under the jurisdiction of the town, any human or animal excrement, garbage or other objectionable waste.

(Ord. 25-1972, Art. II, 9-25-72)

Sec. 10-3. Prohibited discharges; use of sewers required.

No person shall discharge into any natural outlet within the town or in any area under the jurisdiction of the town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with this Chapter.
(Ord. 25-1972, Art. II, § 2, 9-25-72)

Sec. 10-4. Privies prohibited.

Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
(Ord. 25-1972, Art. II, § 3, 9-25-72)

Sec. 10-5. Connections required.

- (a) The owner of all houses, buildings or properties used for human occupancy, employment, recreation, or other purposes, situated within the town and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the town, shall at his expense install suitable toilet facilities therein, and connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter, within ninety (90) days after date of official notice to do so.
- (b) The public sewer must be within two hundred (200) feet of the property line for this section to be applicable.

(Ord. 25-1972, Art. II, § 4, 9-25-72; Ord. No. 2-2005, 2-14-05)

DIVISION 2. USE REGULATIONS AND STANDARDS

Sec. 10-6. Prohibited discharges into sewers.

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

(Ord. 25-1972, Art. V, § 1, 9-25-72)

Sec. 10-7. Unpolluted drainage discharges.

- (a) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the public works supervisor.

- (b) Industrial cooling water or unpolluted process waters may be discharged, on approval of the public works supervisor, to a storm sewer, combined sewer or natural outlet.

(Ord. 25-1972, Art. V, § 2, 9-25-72)

Sec. 10-8. Prohibited waters and wastes.

- (a) No person shall discharge or cause to be discharged any of the following waters or wastes to any public sewers:
 - (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
 - (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant;
 - (3) Any waters or wastes having a corrosive property after dilution, capable of causing damage or hazard to structures, equipment, and personnel of the sewage works; or
 - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works.

(Ord. 25-1972, Art. V, § 3, 9-25-72)

Sec. 10-9. Harmful or dangerous substances.

- (a) No person shall discharge or cause to be discharged substances, materials, waters or wastes if it appears likely in the opinion of the public works supervisor that such wastes can harm either the sewers, the sewage treatment process, sewage treatment equipment or the quality of the effluent from the sewage treatment process, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public property or constitute a nuisance.
- (b) In forming his opinion as to the acceptability of these wastes, the public works supervisor will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant,

and any other pertinent factors.

(Ord. 25-1972, Art. V, § 4, 9-25-72)

Sec. 10-10. Harmful substances; power of supervisor to restrict.

- (a) If any waters, wastes, materials or substances are discharged or are proposed to be discharged to the public sewers, which in the judgment of the public works supervisor may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the public works supervisor may:
 - (1) Reject the wastes;
 - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
 - (3) Require control over the quantities and rates of discharge;
 - (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section 8-15.
- (b) If the public works supervisor permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the public works supervisor, and subject to the requirements of all applicable codes, ordinances, and laws.
- (c) If a violator or noncompliance with industrial pretreatment and related requirement of the Kennebec Sanitary Treatment District (KSTD) rules and regulations or applicable federal and state regulations is identified by the Kennebec Sanitary Treatment District, the town after authorization of the town council may initiate such enforcement action that is requested by the district, or the town may request the district to proceed with an enforcement action. Failure of the town to act within the time stated by the Kennebec Sanitary Treatment District shall be deemed a request that the district proceed with an enforcement action. In an emergency, the Kennebec Sanitary Treatment District may proceed immediately with an enforcement action and give concurrent notice to the town of its acts.

Sec. 10-11. Grease, oil and sand interceptors.

- (a) Grease, oil, and sand interceptors shall be provided when, in the opinion of the public works supervisor, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients. Such interceptors shall not be required for private

living quarters or dwelling units. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection.

- (b) This system shall be maintained at the expense of the owner.

(Ord. 25-1972, Art. V, § 6, 9-25-72)

Sec. 10-12. Maintenance of treatment facilities.

Where preliminary treatments of flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(Ord. 25-1972, Art. V, § 7, 9-25-72)

Sec. 10-13. Manhole installations.

- (a) When required by the public works supervisor, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes.
- (b) The manhole, when required, shall be accessibly and safely located. It shall be constructed in accordance with plans approved by the public works supervisor. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
- (c) The owner when requested shall keep records and report the results of such monitoring to the public works supervisor. Such records shall be made available upon request by the public works supervisor to other agencies having jurisdiction over discharges to the receiving waters.

(Ord. 25-1972, Art. V, § 8, 9-25-72; Ord. No. 48-1975, 5-12-75)

Sec. 10-14. Analysis of waters and wastes.

- (a) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. The characteristics shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole.
- (b) In the event that no special manhole has been required, the control manhole

shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property.

(Ord. 25-1972, Art. V, § 9, 9-25-72)

Sec. 10-15. Cost recovery.

- (a) The town council shall establish the user charge and industrial cost recovery system in accordance with appropriate federal and state rules and regulations pertaining to the costs associated to the use of the sewer by an industry.
- (b) The town council shall establish the user charge system in accordance with appropriate federal and state rules and regulations pertaining to the costs associated to the use of the sewer by a non-industrial user.
- (c) Any person proposing a new discharge into the system or a substantial change in the volume or character of pollutants that are being discharged into the system shall notify the public works supervisor at least forty-five (45) days prior to the proposed change or connection.

(Ord. 48-1975, 5-12-75)

Sec. 10-16. Special disposal agreements.

No statement contained in this article shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment, subject to payment, by the industrial concern.

(Ord. 25-1972, Art. V, § 10, 9-25-72)

ARTICLE 3. PRIVATE DISPOSAL SYSTEMS

Sec. 10-17. Private disposal permitted.

If a public sanitary or combined sewer is not available under the provisions of Article 2, Section 10-5, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.

(Ord. 25-1972, Art. III, § 1, 9-25-72)

Sec. 10-18. Permit required; fee.

- (a) Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the public works supervisor.
- (b) The application for such permit shall be made on a form furnished by the town.

The applicant shall supplement the application with any plans, specifications, and other information as deemed necessary by the public works supervisor.

- (c) A permit and inspection fee of five dollars (\$5.00) shall be paid to the town at the time the application is filed.
- (d) If the lot or parcel of land on which a private sewage disposal system is proposed is subject to subdivision approval in accordance with Chapter 10 of this Code, no permit shall be issued until subdivision approval has been granted by the planning board.

(Ord. 25-1972, Art. III, § 2, 9-25-72; Ord. 62-1976, 2-14-77)

Sec. 10-19. Inspection required.

- (a) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the public works supervisor. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the public works supervisor when the work is ready for final inspection, and before any underground portions are covered.

- (b) The inspection shall be made within twenty-four (24) hours of the receipt of notice by the public works supervisor.

(Ord. 25-1972, Art. III, § 3, 9-25-72)

Sec. 10-20. Specifications for septic tank discharges.

- (a) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State Department of Public Health.
- (b) No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(Ord. 25-1972, Art. III, § 4, 9-25-72)

Sec. 10-21. Discharge of septic tank contents into sewers.

Contents of septic tanks shall not be discharged into the public sewers unless written permission is obtained prior to the discharge from the public works supervisor.

(Ord. 25-1972, Art. III, § 5, 9-25-72)

Sec. 10-22. Sanitary maintenance.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the town.

(Ord. 25-1972, Art. III, § 6, 9-25-72)

Sec. 10-23. Additional requirements to article.

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the health officer, the state plumbing code or the State Health and Welfare Department.

(Ord. 25-1972, Art. III, § 7, 9-25-72)

Sec. 10-24. State plumbing code; local option.

- (a) *Conditions.* The local plumbing inspector can waive the site evaluation requirement for the repair or replacement of any part or parts of existing subsurface sewage disposal systems, serving family dwellings inhabited by no more than two (2) individual families provided that the waiver will not result in violations of other regulations or ordinances or this ordinance shall not apply to disposal systems located within one hundred (100) feet of any pond or river subject to shoreland zoning controls.
- (b) *Public hearing.* Any person aggrieved by the granting of a waiver under the local option may appeal to the municipality and request a public hearing on the issue of whether or not the waiver shall be permitted.
- (c) *Notification and records.* A sketch of any subsurface disposal system, its system and location shall be completed on installation by the plumbing inspector. The sketch shall be filed in the municipal town records.

(Ord. 60-1976, 11-15-76)

Sec. 10-25. Connection with public sewer; time limit.

When a public sewer becomes available, the building sewer shall be connected to the sewer within sixty (60) days. The private sewage disposal system shall be cleaned of sludge and filled with gravel or dirt. The time limit for a connection may be extended for valid and extenuating circumstances at the discretion of the public works supervisor.

(Ord. 25-1972, Art. III, § 8, 9-25-72)

ARTICLE 4. BUILDING SEWERS AND CONNECTIONS

Sec. 10-26. Building sewer or connection permit.

No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance without first obtaining a written permit from the public works supervisor.

(Ord. 25-1972, Art. IV, § 1, 9-25-72)

Sec. 10-27. Building sewer permits; application; fee.

- (a) There shall be two (2) classes of building sewer permits:
 - (1) For residential and commercial service; and
 - (2) For service to establishments producing industrial wastes.
- (b) In either case, the owner or his agent shall make application on a special form furnished by the town. Their permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the public works supervisor.
- (c) A permit and inspection fee of three dollars (\$3.00) for a residential or commercial building sewer permit and five dollars (\$5.00) for an industrial building sewer permit shall be paid to the town at the time the application is filed.

(Ord. 25-1972, Art. IV, § 2, 9-25-72)

Sec. 10-28 Sewer Impact Fee Imposed; Definitions.

- (a) *Definitions.*

Capital improvements shall have the same meaning as set forth in Title 30-A M.R.S.A., Section 4354.

Commercial and industrial unit shall mean any building or use as defined as a commercial or industrial activity has to require a permit under the Winslow zoning ordinance.

Covered development or residential shall mean any residential development or residential unit which requires a building permit under the terms as described in section 14-23 of Article III of the Winslow zoning ordinance.

Infrastructure facilities shall have the same meaning as set forth in Title 30-A M.R.S.A., Section 4354.

Residential unit shall mean, in the case of a subdivision, each lot approved; in the case of a condominium, each residential unit; in the case of a mobile home park, each lot or pad; in the case of a motel or hotel, each room.

- (b) *Sewer impact fees.* There is hereby imposed upon each covered development an impact fee to be computed as set forth below in subparagraph (1) and shall be held and expended by the town treasurer in the sewer impact fund as established below in subparagraph (2).

- (1) *Residential dwelling units.*

1--3 bedrooms \$300.00

Each additional bedroom 100.00

Commercial and industrial

.01 cent/gallons per day minimum 500.00

- (2) There is hereby created the sewer impact fund, to be held and expended by the treasurer in accordance with the directions of the municipal officers consistent with the terms of this article.
- a. The funds and any earnings thereon shall be segregated from all other municipal funds.
 - b. The treasurer shall at all times maintain a separate book of accounts setting forth the name and address of the contributing person or entity as one of the time funds are received, the date of such receipt, the purpose of each expenditure of funds, and the date of each expenditure.
 - c. The funds in the sewer impact fund may be expended only for capital improvements as defined in Title 30-A M.R.S.A., Section 4354 relating to sewerage disposal, consistent with the provisions of the Winslow comprehensive plan, provided nevertheless, that should the scope of permissible expenditures as set forth in said statute be expanded, whether by amendment of or repeal or replacement of said statute or supplemental enactment of other statutes, the permissible expenditures under this section shall be deemed to be automatically expanded consistent with such legislation.
 - d. Funds placed in the sewer impact fund shall be expended for their intended purposes within fifteen (15) years of the date received. If not fully expended within such time period, the unexpended portion of such funds and any earnings thereon shall be refunded to the person or entity who paid the same, and if such person or entity is not found such funds and any earnings thereon shall be subject to such laws of the State of Maine regarding escheat or abandoned property as may be applicable to them.

(Ord. No. 3-1990, 6-9-90, 7-14-03; Ord. No. 3-2003, 7-14-03)

Sec. 10-29. Installation costs; indemnification.

- (a) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner.
- (b) The owner shall indemnify the town for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer, if the damage or loss is a result of negligence on the part of the owner.
- (c) Construction and Extensions of the Town drains and sanitary sewer system; assessments and deferred payments.
 - 1. The Town Council may at any time direct the construction of or extensions to the Town's drains and sanitary sewer system wherever it is determined necessary for public convenience, or health, safety, or welfare such as to abate pollution or to serve presently undeveloped areas of the Town, or for the Town's general betterment.
 - 2. The Town of Winslow tax assessor and the Town of Winslow tax collector are authorized to assess and collect against the owner of the land or person in possession, or against whom the taxes on the land are assessed, on an installment basis over a period not exceeding 10 years – if so-authorized by the Town Council, that portion of the sum not exceeding the benefit the Town Council considers just and equitable towards defraying the costs of constructing and completing public drains or sewer abutting such lots and parcels of land, together with any sewage disposal units and appurtenances necessary thereto, pursuant to the terms, conditions, limitations, guidelines and requirements of Title 30-A MRSA, Sections 3441-3445, as amended. The authority to assess and collect any installments due in a given year owed by any person so-assessed shall be based on a certified list filed by the Town Council with the tax collector. Assessments for such costs shall include but not be limited to all costs of construction, land acquisition, engineering, administration and interest paid on project financing, and may be assessed pro-rata to reflect the ratio of frontage along the sewer line of each property owner to the total frontage of all abutters along the sewer construction project.
 - 3. Payments of assessments against such abutting properties as determined by the Town Council shall not be deferred except in the event that the owner or person assessed for any such abutting property benefited by the establishment of a new public drain or sewer is unwilling or unable to pay his or her share of the allocated portion of the construction costs at the time of assessment, whereby payment of the assessment may be deferred by written agreement approved by the Town Council, between the Town and the affected property owner or person assessed for a period of not more than 10 years on such conditions as may be authorized under 30-A MRSA, Section 3444, as amended.

(Ord. 25-1972, Art. IV, § 3, 9-25-72; Ord. No. 1-2004, 3-8-04)

Sec. 10-30. Multiple sewer connections.

A separate and independent sewer shall be provided for every building. The owner shall be required to obtain written permission before constructing or causing to be constructed a system that connects building sewers from two (2) or more separate buildings on one (1) or more lots, from the public works supervisor.

(Ord. 25-1972, Art. IV, § 4, 9-25-72)

Sec. 10-31. Old building sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the public works supervisor, to meet all requirements of this chapter.

(Ord. 25-1972, Art. IV, § 5, 9-25-72)

Sec. 10-32. Building sewer specifications.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the state plumbing code and the applicable regulations of the town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

(Ord. 25-1972, Art. IV, § 6, 9-25-72)

Sec. 10-33. Sewer elevation.

The building sewer shall be brought to the building at an elevation below the basement floor. In any building in which the sanitary outlet is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(Ord. 25-1972, Art. IV, § 7, 9-25-72)

Sec. 10-34. Runoff and groundwater prohibited.

No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or

building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(Ord. 25-1972, Art. IV, § 8, 9-25-72)

Sec. 10-35. Sewer connection requirements.

- (a) The connection of the building sewer into the public sewer shall conform to the applicable regulations of the town and the state plumbing code.
- (b) All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials shall be approved by the public works supervisor before installation.

(Ord. 25-1972, Art. IV, § 9, 9-25-72)

Sec. 10-36. Inspection and connection; notification of supervisor.

The applicant for the building sewer permit shall notify the public works supervisor when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the public works supervisor or his representative.

(Ord. 25-1972, Art. IV, § 10, 9-25-72)

Sec. 10-37. Excavations; restoration.

- (a) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard.
- (b) Streets, side-walks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the town.

(Ord. 25-1972, Art. IV, § 11, 9-25-72)

Sec. 10-38. Institutional, industrial or commercial buildings; manholes.

- (a) When any building sewer is to serve a school, hospital or similar institution or public building, or is to serve a complex of industrial or commercial buildings, or which, in the opinion of the public works supervisor will receive sewage or industrial wastes of such volume or character that frequent maintenance of the building sewer is anticipated, then such building sewer shall be connected to the public sewer through a manhole. The public works supervisor shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the public works supervisor.
- (b) If required a new manhole shall be installed in the public sewer and the building

sewer connection made thereto as directed by the public works supervisor.

(Ord. 25-1972, Art. IV, § 12, 9-25-72)

ARTICLE 5. SEWER PERMITS

Sec. 10-39. Permit issuance.

(a) Permits shall be issued for the following classifications:

- (1) For residential, commercial building sewers, and private systems.
- (2) For industrial sewer connections.

(Ord. 25-1972, Art. XI, § 1, 9-25-72)

Sec. 10-40. Food processing wastes; permits.

Permits for biological, chemical, and milk and food processing wastes may be issued, subject to conditions as set by sanitary practices of pretreatment and upon further conditions that the manufacturer of the wastes consent to pay all extra charges levied for final treatment.

(Ord. 25-1972, Art. XI, § 2, 9-25-72)

Sec. 10-41. Building drainage system prior to 1972.

- (a) For a building located on a street officially accepted by the town prior to November 1, 1972, the building foundation drainage system may be connected to a public sanitary sewer provided that a surface or subsurface storm water drainage system is not available for the removal of the foundation drainage.
- (b) Whenever such a connection is made, the foundation drainage system shall be kept separate and distinct from the building's sanitary drainage system and shall be joined to the public sanitary sewer with a separate connection at the property line. Such foundation drainage connections shall not be permanent, but shall be terminated within sixty (60) days after storm water drainage facilities become available.

(Ord. 27-1972, 12-11-72)

ARTICLE 6. PROHIBITED ACTIVITIES

Sec. 10-42. Destruction prohibited.

- (a) No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works.
- (b) Any person violating this section shall be subject to immediate arrest.

(Ord. 25-1972, Art. VI, § 1, 9-25-72)

ARTICLE 7. PUBLIC WORKS AUTHORITIES

Sec. 10-43. Access required; identification cards.

The public works supervisor and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter.

(Ord. 25-1972, Art. VII, § 1, 9-25-72)

Sec. 10-44. Access to private property.

The public works supervisor and other duly authorized employees of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. 25-1972, Art. VII, § 2, 9-25-72)

Sec. 10-45. State plumbing code.

Sewer uses and/or construction not covered under this chapter shall be governed by the state plumbing code.

(Ord. 25-1972, Art. VII, § 3, 9-25-72)

ARTICLE 8. HEARING BOARD

Sec. 10-46. Hearing board designated.

The zoning board of appeals shall serve as a hearing board for this chapter for arbitration of differences between the public works supervisor and sewer users on matters concerning interpretation and execution of the provisions of this chapter by the public works supervisor. The cost of the arbitration will be divided equally between the

town and the sewer user.

(Ord. 25-1972, Art. X, § 1, 9-25-72)

Sec. 10-47. Board's jurisdiction and powers.

- (a) The zoning board of appeals shall have the following powers and duties to be exercised only upon written appeal by a party aggrieved by a decision of the public works supervisor, the town health officer and/or the plumbing inspector insofar as such decision arises from requirements of this chapter:
 - (1) To determine whether the decisions of the officers are in conformity with the provisions of this chapter and to interpret the meaning of this chapter in cases of uncertainty;
 - (2) To grant variances from the terms of the chapter where there is no substantial departure from the intent of the chapter and/or where necessary to avoid undue hardship. A projected expenditure of an amount exceeding fifteen (15) per cent of the assessed value of the buildings on the land to be served by the public sewer shall be considered as prima facie evidence of undue hardship; and
 - (3) To permit an exception to this chapter only when the terms of the exception have been specifically set forth by this chapter.

(Ord. 25-1972, Art. X, § 2, 9-25-72)

Sec. 10-48. Public hearing; notice.

A public hearing shall be held within thirty (30) days of date that an appeal is filed. Public notice shall be given at the town office and in the paper of general circulation serving the Winslow area at least seven (7) days in advance of the hearing. Appellant shall be charged twenty dollars (\$20.00) for the cost of notification of the public hearing. The amount shall be paid to the treasurer prior to publishing the notification of the public hearing.

(Ord. 25-1972, Art. X, § 3, 9-25-72)

Sec. 10-49. Written decision.

A decision in writing, shall be given to the appellant within nine (9) days of the hearing.

(Ord. 25-1972, Art. X, § 4, 9-25-72)

ARTICLE 9. PENALTIES

Sec. 10-50. Notice of violation.

Any person violating any section of this chapter except Article 6 shall be served by the town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction of the violation. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(Ord. 25-1972, Art. VIII, 9-25-72)

Sec. 10-51. Penalty.

- (a) Any person continuing any violation beyond the time limit provided for in section 10-49 shall be guilty of a misdemeanor. Upon conviction, such person shall be fined in the amount not exceeding one hundred dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.
- (b) Any person violating any section of this chapter shall become liable to the town for any expense, loss, or damage occasioned the town by reason of such violation.

(Ord. 25-1972, Art. VIII, § 2, 9-25-72)

ARTICLE 10. Construction Standards for Main Lines Proposed to be Accepted By the Town

Sec. 10-52. Engineering, As-Built and Materials and Performance Testing Required

- a. Any sewer main line (gravity or force main and associated manholes and pump stations) to be proposed for acceptance by the Town as a municipal utility shall be engineered by a Maine registered professional engineer. Plans for such infrastructure must be stamped by the developer's Maine registered engineer prior to presenting to the Planning Board as part of new street or subdivision proposals. Prior to acceptance by the Town, As-Built Plans must be submitted to the Public Works Director, and Public Works Director shall notify the Town Manager and Town Council, in writing, that the As-Built and associated testing documentation meet the satisfaction of the Public Works Department.
- b. No municipal gravity sewer line will be accepted by the Town which is sized less than 8" in diameter. All lines, manholes, stations and related construction materials must be specified on the plans (and subsequent As-Built) submitted by a developer's Maine registered professional engineer.

(Ord. No. 3-2003, 7-14-03; Ord. No.1-2004, 3-8-04; Ord. 2-2005, 2-14-05)

